

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
)
Amendment of Section 73.202(b),) MB Docket No. 02-352
Table of Allotments,) RM-10602
FM Broadcast Stations)
(Glenville, North Carolina))
)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Assistant Chief, Audio Division
Media Bureau

MOTION FOR LEAVE TO FILE REPLY

The Stair Company ("Stair"), licensee of Station **WCTU(FM)**, Channel 290A, Tazewell, Tennessee, by its counsel, hereby moves for leave to file the accompanying reply to the "Reply Coinnicts" of Georgia-Carolina Radiocasting Company, LLC ("GCRC"). GCRC's reply comments, to which this reply is addressed, were filed in response to Stair's counterproposal in this proceeding. Ordinarily, Stair would file its reply at the time when the Commission places its counterproposal on public notice, affording interested parties the opportunity for a reply. However, in this instance, GCRC has argued that Stair's counterproposal should not be placed on public notice, **but** rather should be dismissed without consideration. **GCRC's** argument rests on a novel, and erroneous, legal theory to which Stair should be afforded the opportunity to reply.

The Commission may accept this reply as a matter within its **discretion**. See *Wallace, Idaho and Lolo, Montana*, 14 FCC Rcd 21110 (1999) (acceptance of comments in order to decide the case on the basis of an enhanced record); *Winslow, Camp Verde, Muyrr, and Sun City*

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West, Arizona, 16 FCC Rcd 9551 n.7 (2001) (acceptance of supplemental comments beyond authorized comment period).¹

WHEREFORE, for the foregoing reasons, the Commission should accept the accompanying reply.

Respectfully submitted,

THE STAIR COMPANY

By: 

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Its counsel

February 5, 2003

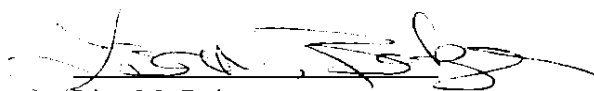
¹ In the alternative, since it is expected that a Public Notice will be issued for the counterproposals filed by Stair and GCRC and a reply period provided, this reply could be considered as timely filed prior to the close of the reply period.

CERTIFICATE OF SERVICE

I, Lisa M. Balzer, a secretary in the law firm of Shook, Hardy and Bacon, do hereby certify that I have on this 5th day of February, 2003, caused to be mailed by first class mail, postage prepaid, copies of the foregoing "**Motion for Leave to File Reply**" to the following:

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